

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH CINCINNATI BELL	)	
TELEPHONE COMPANY'S PROPOSED TARIFF FOR	)	CASE NO. 95-562
CONNECTION WITH CALLING NAME AND NUMBER	)	
SERVICE	)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("CBT"), filed December 15, 1995 and amended February 5, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost information filed in support of proposed tariff revisions to introduce Calling Name and Number Service on the grounds that disclosure of the information is likely to cause CBT competitive injury, and it appearing to this Commission as follows:

On January 16, 1996, the Commission found that a petition filed by CBT on December 15, 1995 for confidential protection of cost information filed in support of proposed tariff revisions to introduce Calling Name and Number Service did not meet the requirements of the statute and regulation and, therefore, denied the petition. The Order permitted CBT to amend its petition within 20 days, and in pursuant to that Order, CBT filed its amended petition on February 5, 1996. The petition and amended petition seek to protect as confidential cost information filed in support of the proposed tariff revisions on the grounds that their disclosure is likely to cause CBT competitive injury.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Calling Name and Number Service is a tariffed service which CBT provides as a local exchange company to its customers. While actual competition for the service may not presently exist, the technology available to offer the same or similar services is currently available to competitors of local exchange companies, most, if not all, of whom are parties to Administrative Case No. 355<sup>1</sup> currently pending before this Commission. The cost data sought to be protected would enable these competitors to determine CBT's cost and contribution from the service which they could use

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<sup>1</sup>

Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service and the Non-Traffic Sensitive Access Rate.

use to plan market entry and develop pricing strategies to the detriment of CBT. Therefore, disclosure of the information is likely to cause CBT competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information filed in support of the proposed tariff revisions to introduce Calling Name and Number Service, which CBT has petitioned to be withheld from public inspection, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 17th day of April, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Brear  
Chairman

E. J. Hesse  
Vice Chairman

Robert M. Davis  
Commissioner

ATTEST:

Don Mills  
Executive Director